

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: November 12, 2004 Name: Deanna L. Hasler

Signature:

BRINKS  
HOFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Darin G. Schaeffer et al.

Appln. No.: 10/769,962

Filed: February 2, 2004

For: TRACHEOSTOMY TUBE AND  
LOADING DILATOR

Attorney Docket No: 10703/042

Examiner: Not Known

Art Unit: 3761

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Second Supplemental Information Disclosure Statement, PTO Form SB/08A, Four (4) non-US cited references; Transmittal, in duplicate
- ☒ Return Receipt Postcard

## Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

|                                           |                                  |       |                                 |               | Small Entity |           |    | Not a Small Entity |           |
|-------------------------------------------|----------------------------------|-------|---------------------------------|---------------|--------------|-----------|----|--------------------|-----------|
|                                           | Claims Remaining After Amendment |       | Highest No. Previously Paid For | Present Extra | Rate         | Add'l Fee | or | Rate               | Add'l Fee |
| Total                                     |                                  | Minus |                                 |               | x \$9=       |           |    | x \$18=            |           |
| Indep.                                    |                                  | Minus |                                 |               | x 43=        |           |    | x \$86=            |           |
| First Presentation of Multiple Dep. Claim |                                  |       |                                 |               | +\$145=      |           |    | +\$290=            |           |
|                                           |                                  |       |                                 |               | Total        | \$        |    | Total              | \$        |

## Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ to cover the above-identified fee(s) is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.

Respectfully submitted,

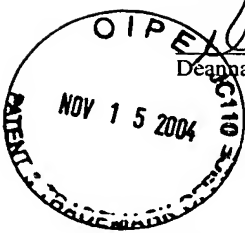
  
Lawrence A. Steward (Reg. No. 32,309)

Date

Nov. 12, 2004

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 12, 2004.

  
Deanna L. Hasler

Our Case No.: 10703/042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Darin G. Schaeffer, et al.

Serial No.: 10/769,962

Filing Date: February 2, 2004

For: TRACHEOSTOMY TUBE AND  
LOADING DILATOR

Examiner: Unknown

Group Art Unit No.: 3761

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

MAIL STOP AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Second Supplemental Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO/SB/08A be considered by the Examiner and made of record. In accordance with Publication Notice 1276 OG 55 dated August 5, 2003, copies of the listed U.S. documents are not enclosed.

The references now cited are the following:

| No.              | Date       | Name                                     |
|------------------|------------|------------------------------------------|
| US 3,659,612     | 05/02/1972 | Shiley et al.                            |
| US 6,105,577     | 08/22/2000 | Varner                                   |
| EP 0 371 752 A1  | 06/06/1990 | Shetty, Devi Cardiothoracic Unit         |
| GB 2 316 321 A   | 02/25/1998 | Smiths Industries Limited                |
| EP 1 044 701 A2  | 10/18/2000 | Smiths Industries Public Limited Company |
| DE 100 65 604 A1 | 07/26/2001 | Wolfgarten                               |

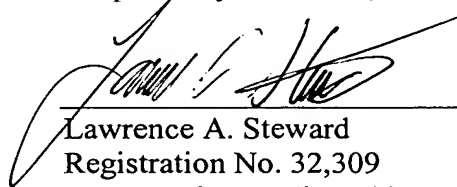
In accordance with 37 C.F.R. § 1.97(g),(h), this Second Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

In accordance with 37 C.F.R. § 1.97(e)(1), Applicants hereby certify that each item of the information disclosed in this Second Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing of the present statement.

This Second Supplemental Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Second Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicants respectfully request that the listed documents be made of record in the present case.

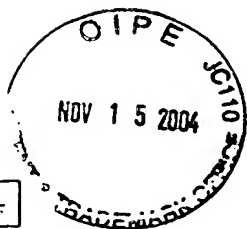
Respectfully submitted,



Lawrence A. Steward  
Registration No. 32,309  
Attorney for Applicant(s)

LAS/dlh

BRINKS HOFER GILSON & LIONE  
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Indianapolis, IN 46204  
(317) 636-0886



Please type a plus sign (+) inside this box → ☐

PTO/SB/08A (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

|                                                                                                                                               |                |           |          |                               |                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------|----------|-------------------------------|-----------------------------------|
| <b>Substitute for form 1449A/PTO</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) |                |           |          | <b>Complete if Known</b>      |                                   |
|                                                                                                                                               |                |           |          | <b>Application Number</b>     | <b>10/769,962</b>                 |
|                                                                                                                                               |                |           |          | <b>Filing Date</b>            | <b>February 2, 2004</b>           |
|                                                                                                                                               |                |           |          | <b>First Named Inventor</b>   | <b>Darin G. Schaeffer, et al.</b> |
|                                                                                                                                               |                |           |          | <b>Group Art Unit</b>         | <b>3761</b>                       |
| <b>Examiner Name</b>                                                                                                                          | <b>Unknown</b> |           |          |                               |                                   |
| <b>Sheet</b>                                                                                                                                  | <b>1</b>       | <b>of</b> | <b>1</b> | <b>Attorney Docket Number</b> | <b>10703/042</b>                  |

### U.S. PATENT DOCUMENTS

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | U.S. Patent Document |                                      | Name of Patentee or Applicant<br>of Cited Document | Date of Publication of<br>Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|----------------------|--------------------------------------|----------------------------------------------------|--------------------------------------------------------|------------------------------------------------------------------------------------|
|                       |                          | Number               | Kind Code <sup>2</sup><br>(if known) |                                                    |                                                        |                                                                                    |
|                       | 1                        | US 3,659,612         |                                      | Shiley et al.                                      | 05/02/1972                                             |                                                                                    |
|                       | 2                        | US 6,105,577         |                                      | Varner                                             | 08/22/2000                                             |                                                                                    |
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### FOREIGN PATENT DOCUMENTS

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document |                     |                                      | Name of Patentee or<br>Applicant of Cited Document | Date of Publication<br>of<br>Cited Document<br>MM-DD-YYYY | Pages, Columns,<br>Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|-----------------------|--------------------------|-------------------------|---------------------|--------------------------------------|----------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------------|----------------|
|                       |                          | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup><br>(if known) |                                                    |                                                           |                                                                                    |                |
|                       | 3                        | EP                      | 0 371 752           | A1                                   | Shetty, Devi<br>Cardiothoracic Unit                | 06/06/1990                                                |                                                                                    |                |
|                       | 4                        | GB                      | 2 316 321           | A                                    | Smiths Industries Ltd.                             | 02/25/1998                                                |                                                                                    |                |
|                       | 5                        | EP                      | 1 044 701           | A2                                   | Smiths Industries<br>Public Ltd. Company           | 10/18/2000                                                |                                                                                    |                |
|                       | 6                        | DE                      | 100 65 604          | A1                                   | Wolfgarten                                         | 07/26/2001                                                |                                                                                    | No             |
|                       |                          |                         |                     |                                      |                                                    |                                                           |                                                                                    |                |
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| <b>EXAMINER<br/>SIGNATURE</b> |  | <b>DATE<br/>CONSIDERED</b> |  |
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.